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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,068	01/22/2002	Varda Goldberg	2539/2	3981

7590 06/19/2003

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EXAMINER

GONZALEZ, MADELINE

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/051,068

Applicant(s)

GOLDBERG, VARDA

Examiner

Madeline Gonzalez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The restriction and election of species requirement stated in the last Office Action (Paper No. 5) is hereby repeated and thus made FINAL.
2. Applicant's election of Group I and Species B, as shown in Fig. 18a, in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Claims 1-16 are readable on the elected Species B (Fig. 18a). Accordingly, claims 17-26 are withdrawn from further consideration as being directed to non-elected species.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first graphic form implemented as two graphic forms, as stated in claim 12; and the second graphic form implemented as two graphic forms, as stated in claim 13, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 5, 9, 10 and 16 are objected to because of the following informalities:
  - a) Claim 5: The claim recites the limitation "said alignment" in line 1. There is insufficient antecedent basis for this limitation in the claim.
  - b) Claim 9: The claim recites the limitation "said line segment" in line 1. There is insufficient antecedent basis for this limitation in the claim.
  - c) Claim 10: The claim recites the limitation "said line segments" in line 1. There is insufficient antecedent basis for this limitation in the claim.
  - d) Claim 16: The claim recites the limitation "said alignment" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 2 and 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2: The claim recites the limitation “each of said at least a first graphic form”. This limitation is confusing. It is unclear if applicant is claiming one or more than one graphic forms.

Claims 12 and 13: The claims recite the limitations “said at least a first graphic form includes implementation as at least two graphics forms, of said first pair of reference points”, and “said at least a second graphic forms includes implementation as at least two graphics forms, of said second pair of reference points”, respectively. It is not clear what is applicant referring to with these limitations.

Claims 14 and 15: The claims recite the limitations “said graphic forms, of said first pair of reference points, including pointers”, and “said graphic forms, of said second pair of reference points, including pointers”, respectively. These limitations are confusing because it is not clear where the pointers are located. Based on the specification, the graphic forms do not include pointers; the pointers are included on the track and graduated rule of the device shown in Fig. 18a.

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Claim 16: The claim recites the limitation "said pointers of said reference points". This limitation is confusing because it is not clear what is applicant referring to. Do the reference points have pointers? It appears that the pointers designate the reference points.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 8, 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Caperton, Jr. (U.S. 3,660,903).

Caperton, Jr. discloses a drawing aid, as shown in Fig. 1, inherently including a method for recording a point in space, having the steps of:

- designating each reference point, of a first pair of reference points, by use of at least a first graphic form 31<sup>1</sup>;
- designating each reference point, of a second pair of reference points, by use of at least a second graphic form 31<sup>2</sup>, such that said first pair of reference points is located between said second pair of reference points and the eye; and

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- positioning said graphic forms such that, when seen from <sup>a</sup>the viewing point, each of said reference points of said first pair of reference points appears to be superimposed on said reference points of said second pair of reference points;
- further comprising returning the eye to the viewing point by changing the position of the eye until said at least first graphic form 31' designating said reference points of said first pair of reference points is aligned with said at least second graphic form designating said reference points of said second pair of reference points;
- wherein said designation of said first pair of reference points is by placement of said at least first graphic form 31', of said first pair of reference points, on a transparent drawing surface of a grid 25 (copy easel);
- wherein said designation of said second pair of reference points is by placement of said at least second graphic form 31, of said second pair of reference points, on a surface behind said grid 25 (copy easel);
- wherein alignment is accomplished by said positioning being performed on said at least second graphic form 31 of said second pair of reference points;
- wherein said second pair of reference points is designated as end points of a line segment;
- wherein said line segment is chosen from a group of line segments of varying lengths;
- wherein said line segments are distinguished such that individual line segments are identifiable;
- wherein said designation of said first pair of reference points includes placement of the graphic form, of said first pair of reference points, in a broad sense, on a slot 17

(track), said slot 17 (track) being deployed below the transparent drawing surface of the grid 25 (copy easel), said slot 17 (track) being elevated above the surface upon which it is supported, and including circular ends 33 (pointers) slidably attached to said slot 17 (track).

### ***Allowable Subject Matter***

10. Claims 6, 7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dentith and Helava disclose devices including a track and pointers. Turner and Hagan disclose devices having a slide. Santamaria Ulecia discloses a device for copying panoramic images. Baier and Nicholl et al. ('371) disclose perspective drawing devices. Lavering discloses a method of aligning two overlapping fields of view. Klimavicz et al. ('998) discloses a line of sight plotter. Stanton discloses a recording activity by guide and point.



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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeline Gonzalez whose telephone number is (703) 308-7004. The examiner can normally be reached on Monday-Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MG  
June 12, 2003



Diego F.F. Gutierrez  
Supervisory Patent Examiner  
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